



PATENT

Docket No.: 36287-04402

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Friedman et al.			
Serial No.	:	10/666,979	Group Art Unit	:	3624
Filed	:	September 17, 2003	Examiner	:	TBA
For	:	<i>METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS</i>			

**RESPONSE TO NOTICE TO FILE MISSING PARTS
AND PETITION FOR STATUS UNDER 37 C.F.R. § 1.47**

**Mail Stop Missing Parts
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

In response to the Notice of Missing Parts, mailed on December 12, 2003, enclosed is a Declaration executed by Mr. Allen R. Friedman, Mr. Stephen E. Gray, Mr. Benjamin B. Lopata, and Mr. David A. Seaman.

Declarations from Mr. Stephen L. Roti and Ms. Kelly Cesare Coffey are not available and for the reasons explained below, the undersigned hereby petitions for status of this application under 37 C.F.R. § 1.47.

On June 27, 2003, U.S. Provisional Patent Application Serial No. 60/483,486 (“the ‘486 application”) was filed in the names of Allen R. Friedman, Stephen E. Gray, Benjamin B. Lopata, Stephen L. Roti, and David A. Seaman.

On September 17, 2003, a U.S. Regular Patent Application Serial No. 10/666,979 (“the ‘979 application”) was filed in the names of Allen R. Friedman, Stephen E. Gray, Benjamin B. Lopata, Stephen L. Roti, David A. Seaman and Kelly Cesare (“the named inventors”). We understand that Ms. Cesare has changed her name to Kelly Cesare Coffey. The ‘979 application

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claims priority to the '486 application and was filed without a signed declaration. On December 12, 2003, the U.S. Patent and Trademark Office mailed a Notice to File Missing Parts, requiring an executed declaration. A copy of that notice is enclosed. Shortly thereafter, declaration and assignment documents were forwarded to the named inventors for execution. Mr. Allen R. Friedman, Mr. Stephen E. Gray, Mr. Benjamin B. Lopata, and Mr. David A. Seaman executed declaration and assignment documents, and copies of those declaration and assignment documents are enclosed. All attempts to have Mr. Stephen L. Roti and Ms. Kelly Cesare Coffey execute a declaration and assignment document have been unsuccessful. The enclosed Declaration and supporting appendices of Ms. Catherine Harper document the unsuccessful attempts to have Mr. Roti and Ms. Coffey execute declaration and assignment documents for the '979 application.

When the invention that is claimed in the '979 application was made, Mr. Roti and Ms. Coffey were employees of J.P. Morgan Chase & Co. ("J.P. Morgan"). Under the terms of their employment with J.P. Morgan, Mr. Roti and Ms. Coffey were and remain under an obligation to assign their rights in the invention to J.P. Morgan. The enclosed Declaration and supporting appendices of Mr. Andrew Cadel document that obligation and the ownership interest of J.P. Morgan in the invention.

In view of the facts as outlined above, and in view of the enclosed Declarations from Ms. Harper and Mr. Cadel, as well as the executed Oath/Declaration from Mr. Allen R. Friedman, Mr. Stephen E. Gray, Mr. Benjamin B. Lopata, and Mr. David A. Seaman, the undersigned respectfully submits that this application is entitled to status under 37 C.F.R. § 1.47, and hereby petitions for such status.

Enclosed you will find a late filing fee surcharge of \$130.00 (37 C.F.R. § 1.16(e)), a petition fee of \$130.00 (37 C.F.R. § 1.17(h)), as well as a petition and the fee of \$2010:00 for

an extension of time (5 months). (total \$2270.00)

If the Commissioner has any questions, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy, LLP



Chris L. Holm
Reg. No.: 39,227

July 7, 2004

Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)